



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand and Nineteen

PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.7090 of 2019

SENTHIL KUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
UPPILYAPURAM POLICE STATION,
TRICHY DISTRICT.

(CRIME NO.102 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.UTHAYAKUMAR Advocate

For Respondent : Mr.Robinson, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent Police, in connection with Crime No.102 of 2019, for the offence punishable under Sections 341, 294(b), 324 and 506 (ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, seeks anticipatory bail.

2.Heard Mr.A.Uthayakumar, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl.Side) appearing for the State.

3.The case of the prosecution is that the petitioner and the de-facto complainant are neighbours, the petitioner misbehaved with the de-facto complainant, due to which there was a wordy quarrel between them, for which the petitioner attacked the defacto complainant and thereby, she sustained simple injury. Hence, the complaint.

4.The learned counsel for the petitioner submitted that except the offence punishable under Section 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, all other offences are bailable in nature and according to him, the victim was also discharged from hospital.



5. The learned Government Advocate (Crl. Side), on instruction, from the respondent Police confirmed that the victim has been discharged from the hospital. The learned Counsel further submitted that there is no previous case against the petitioner.

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6. Considering the facts and circumstances of the case, the only non bailable offence is punishable under Section 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 considering the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready before the learned Judicial Magistrate, Thuraiyur, Trichy District, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, for a like sum to the satisfaction of the respondent Police and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
15/05/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1 THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT



2 DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
UPPILYAPURAM POLICE STATION,
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.UTHAYAKUMAR, Advocate SR.No.8577

ORDER

IN

CRL OP (MD) No.7090 of 2019

Date :15/05/2019

ES/KK/PN/17.05.2019/3P/6C